

# Testimony Rebuts Alibi Used By Ray

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WASHINGTON — The testimony of three Memphis men — including the sole living supporter of James Earl Ray's alibi in the murder of Dr. Martin Luther King — flatly contradicted contentions that Ray was in a service station in Memphis at the time King was killed 10 years ago.

Larce McFall, 70, and his son, Phillip McFall, 36, co-owners in 1968 of the Texaco station at Second Street and Linden Avenue, where Ray said he was at the time, both swore under oath that neither Ray nor his white 1966 Mustang were at the station on April 4, 1968.

And Coy Dean Cowden, 43, also of Memphis, the lone living supporter of Ray's contention that he had been to the station, testified before the House Select Committee on Assassinations that he had lied in a national newspaper story and in a book written by Ray's attorney when he said he saw Ray at the service station near the time King was murdered.

A fourth man, Harvey Locke of Little Rock, gave an affidavit to committee investigators which refuted that another man, Thomas I. McFall, who died two weeks ago, could ever have truthfully claimed to have seen Ray at the station.

The testimony Friday also included that of a British policeman who said Ray

bragged about killing King while an English cell.

Cowden's testimony was the most dramatic in a drama-filled day when he confessed publicly for the first time that he had lied about seeing Ray at the service station as a favor to Renfro Hays of Memphis, an investigator in the King assassination.

Ray had cited Cowden and Wilson in his testimony Thursday as people who could place him at the service station and not at the rooming house seven blocks to the south and across the street from the Lorraine Motel where King was killed.

Cowden said the day King was killed he was in Beaumont, Texas.

Cowden said he lied in the story at the request of Hays, whom, he said, he met in Memphis in 1973.

The story was published Oct. 11, 1977, by the National Enquirer and was cited by Mark Lane, Ray's lawyer, in Lane's own book about the King murder.

"The story is completely false," Cowden told the committee.

Cowden said that as a "favor" to Hays, who he said had become a friend, he had agreed to lie and that Hays had helped him rehearse the story.

He said Hays had befriended him at a time when he was unemployed in Memphis.

"He had the great ability to let you know ... make you feel he owed you something," Cowden said.

He told the committee that Hays, whom he still calls his friend, was trying to sell the stories for profit to publishing houses and movie producers.

"I let Renfro lead me into this," Cowden said. "Of course, I didn't have to let him ... but I did."

"I hope this helps clear it up," he added. "I spoke to Renfro Hays Tuesday before I left (Memphis) ... in the VA Hospital in Memphis, and he still was going over the King business and he'd like you to invite him up here."

Cowden, whom nearly every committee member commended for his "courage" and "willingness to speak out," said Hays

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OF WILLIE GREEN, attendant

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had told him repeatedly he made a million dollars from the King assassination story account, and said, "I'll take care of you."

"I still hope he makes a million out of it," Cowden said.

Cowden said Hays brought Lane to him to tell the lie.

Hays, 50, said from the hospital Friday that he had watched the committee proceedings on television. He said the Memphis men had changed their stories because their lives were threatened.

"You don't get a case like the Martin Luther King assassination every day," Hays said, adding that he had been a private investigator for 30 years. "But you don't go out and get people to lie for you."

He said Cowden told a different story before the committee because "he's got his business and his life at stake."

The McFalls had also been threatened, Hays said, and the younger McFall was knifed and nearly killed shortly after the investigator talked to them about being witnesses.

Hays said he would gladly testify before the committee if his expenses were paid. "I'll take my files, and testify as to what happened from my files. Then I'll answer anybody's questions."

"But I'm not going to sit there and have questions thrown at me out of context. The only way I'm going to testify is to tell my story, and indicate it with documents, and then let them ask questions."

He is in the hospital for treatment of an elbow injury, Hays said, and would be able to travel to Washington.

Committee members asked Cowden if Lane had asked probing questions when he tape-recorded his interview of Cowden's story on Nov. 12, 1977.

"If I had been the lawyer and Mr. Lane had been the witness, I believe I would have asked some more questions," Cowden said. "I believe he went for it hook, line and sinker."

The remark broke the committee, and the audience, into laughter.

Cowden said that in 1973 he was in the psychiatric ward of the Memphis Veterans Hospital in Memphis. He said Hays "supported me" four months in 1972 while he was unemployed.

Cowden, dressed in light blue slacks and a colorful blue print sport shirt, sat quietly while committee members read an affidavit of his former wife, Kathryn S. Marshall of Jackson, Tenn., substantiating his testimony that he lived in Beaumont at the time of King's death.

Cowden moved to Chattanooga in October of 1968 from Beaumont, transferred to Nashville a year later, and then moved to Memphis.

"I respect him for his courage," remarked Rep. Richardson Preyer (D-N.C.).

Rep. Harold Ford praised Cowden and thanked him.

"I voted for you, too, Harold," Cowden replied to laughter from the committee.

Larce McFall, now retired, said he was working at his service station on the southeast corner of Second Street and Linden Avenue from 7 a.m. to 8 p.m. on the day King was killed.

He said he and his son, Phillip, were washing a customer's truck at 6:01 p.m., the time King

was shot, and that no white Mustang or anyone fitting Ray's description had come into the service station before or after 6 p.m. that day.

McFall said he and his son heard police and ambulance sirens that day and stopped work to see what was happening. He described the Lorraine Motel as four blocks away and the Bessie Brewer rooming house as five blocks away.

McFall said he was aware of the rumors that a white Mustang had been in his service station.

"I hadn't seen anything of the white Mustang," he told the committee.

Were you telling them (investigators) the truth?

"Right," he replied.

Did you see or service any white Mustang from about 5 p.m. until about 6:30 p.m.?

"I definitely did not service it" he said.

Phillip McFall, who now owns a Union 76 station on Lamar in Memphis, substantiated all of his father's testimony.

"I just want them to know we have some people who come to this committee and tell the truth the way it is," Ford told the entire committee after the McFalls testified.

Mrs. Ernestine Johnson, an investigator for the committee, testified about her conversation with Harvey S. Locke of Little Rock last week.

Locke's sworn affidavit to the committee said he was with Thomas I. Wilson on the evening of April 4, 1968, just before and after the time King was killed.

He said both men were employed at a shoe repair shop at 53 North Third Street in Memphis, less than a mile from the Texaco station where Ray said Cowden and Wilson were reported to have seen him just before King's murder.

Locke's testimony was that he and Wilson, a friend, stayed in the store and talked after 5:30 p.m. closing time on April 4.

He said they then left the shop and walked to South Main Street where they drank two beers.

He said that after they reached Main Street they were told that King had been shot and they noticed that all of the traffic lights had been turned red to stop traffic in the area.

Mrs. Johnson told the committee that Locke is now recovering from surgery.

G. Robert Blakey, chief counsel for the committee, opened Cowden's testimony by reciting what was contained in Lane's book that told how Cowden saw Ray at the service station.

In the book Cowden told how he had gone to the service station about 5:15 p.m. on April 4 to pick up a friend who was getting off work.

The Lane book tells how Cowden said he remained at the service station until after seeing an ambulance drive by from the Lorraine Motel about eight blocks away.

Both McFall and his son told investigators their station was no more than five blocks from the Lorraine.

In the book, which stresses Lane's theory that the FBI conspired to kill King, Cowden said he was never questioned about his story by either the FBI or the Memphis police.

Cowden repeated to the committee three times that the story was "completely false."

"It was a rehearsed story," he said.

"With whom did you rehearse this story?" he

was asked.

"Renfro Hays," Cowden replied.

Earlier Friday, Ford asked consent to enter into the hearing proceedings, a committee summary of all statements made by Ray from his arrest in June of 1968 through June 30, 1978. The report is a "story as told by Mr. Ray" extending from his escape from Missouri State Prison on April 23, 1967, through the assassination of King, and his arrest.

Ford said the committee has been "sitting here for two days" waiting for Ray to tell the American public his side of the story.

"He pleaded for an opportunity to tell his story," Ford said. "The American public is waiting to hear his story.

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**"He (Ray) pleaded for an opportunity to tell his story. The American public is waiting to hear his story. However, the American public wants fact, not fiction, and the truth, the whole truth and nothing but the truth."**

Rep. Harold Ford

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The Memphians' testimony came at the end of a drama-filled day in which the committee introduced surprise testimony from a British policeman who claimed Ray boasted to him following Ray's capture in England that he had killed King, but the only crime he could be found guilty of was conspiracy, and renewed claims from Ray himself that he had entered his guilty plea in Memphis under duress.

The damaging claim of Ray's English confession was attributed to retired British police officer Alexander Anthony Eist and was read aloud by Rep. Samuel Devine (R-Ohio).

Eist's statement, provided committee investigators two weeks ago in England, claimed that Eist had been assigned as Ray's personal jail guard shortly after the fugitive was arrested in London in June, 1968.

It said he gradually gained Ray's confidence and, little by little, the prisoner began commenting on his hatred of blacks and his own involvement in "a conspiracy" to slay King.

In its key passage, Eist's statement read:

"During the course of conversation — he definitely, he didn't actually come out with it — but it was there in the conversation that he done it. He was quite proud of it."

Eist also said Ray complained his only mistake in killing King was to leave behind the murder weapon with his fingerprints on it, but expressed confidence that would not be enough to obtain a murder conviction.

"The only thing that the state . . . would be able to pin on him was a conspiracy because they couldn't actually prove that he fired the gun because, according to him, nobody saw him," Eist's statement said.

"He was quite open about this situation . . . a conspiracy.

"And he mentioned — and I can't quite relate

whether it was 1 to 10 or 1 to 12 (years), it was something like this — he told me that it was the maximum (sentence) he could get for this conspiracy."

Eist claimed Ray began discussing the King slaying only when the subject of publicity arose in their conversations, and paraphrased Ray as saying:

"For him to have shot a black man of note would make him into a national hero in certain parts of America."

Ray reacted in his usual low-key, almost indifferent, manner, calling Eist's statement "false," and saying, "I never discussed the case with any English policeman as far as I know."

But Lane exploded with anger and pounced

with countercharges. He said he had been informed Eist had been dismissed in disgrace from the British force for a wide variety of crimes, including inventing prisoners' confessions.

He accused the panel of "deceit" in having presented Eist's statement without checking his record and said, if his information were correct, the committee was guilty "of the most irresponsible and outrageous behavior in the history of Congress."

Preyer did not argue with him, saying only that the statement had not been introduced "to prove the truth of its contents."

In his statement, Eist claimed that Ray came to regard him as his "only friend" in England. He said Ray confided in him often and told him he had financed his long life on the run "the usual way, holding up small stores, and things like that."

Asked if Ray ever expressed a hatred for blacks, Eist replied:

"Yes. He just hated black people. He said so on many occasions. In fact, he said he tried to get into Africa to shoot some more."

Earlier, Ray listened silently while Rep. Harold Sawyer (R-Mich.) recalled for him how he had recently offered Ray a chance at clemency if he would identify those who "hired" him to kill King in Memphis on April 4, 1968.

When Sawyer had finished reminding him of that offer, made during a prison interview between the two, Ray acknowledged Sawyer had offered "some kind of a deal."

But he stuck to his story that he had no accomplices because he hadn't killed King.

Instead, Ray, contending that "not all guilty pleas are made in heaven," asserted anew his confession to King's assassination was given under duress.

Nevertheless, he told the committee that, given the same circumstances, he might enter the same plea today.

Ray again accused his former lawyer, Percy Foreman, of coercing his confession.

"If I had it to do all over again I can't see why I would do anything differently, based on the position Percy Foreman, the judge and prosecutor had me in," Ray said.

Committee members asked Ray why he didn't object to the circumstances surrounding his plea when he was given the opportunity by the late Judge Preston Battle in Memphis.

"There's really no big deal about maneuver-

ing a defendant into a guilty plea. All guilty pleas are not made in heaven."

Under cross-examination by Sawyer, Ray readily agreed he signed a letter to Foreman authorizing a guilty plea because "it is impossible to controvert fingerprints" and other evidence against him.

Ray also acknowledged that he initialed each page of the 56-point "agreement on facts" filed with the court, including an asserted fact that he bought a rifle which he "subsequently used to shoot Dr. Martin Luther King."

But Ray insisted that Foreman and the court forced him into pleading guilty. And he accused Foreman "of trickery by a smart lawyer" in preparation of the confession.

"You understand, this is really a fraudulent document," Ray testified, saying the confession was negotiated by Foreman and the prosecutor. He also asserted that Foreman made some changes Ray insisted on, then erased the pencil-marked revisions and filed the document in its original form.

Ray was not asked what changes he was talking about.

The convicted assassin also gave the committee two letters from Foreman in which the well-known trial lawyer supposedly said he would keep \$165,000 of a book contract as his legal fee and give Ray the rest — but only if Ray stuck with his guilty plea.

Three days after Ray entered the plea, he recanted. And ever since then he has been asserting his innocence, saying he was set up to take the blame for King's slaying by a mystery-man named "Raoul."

Ray frequently has contended that he believed he was involved only in a gun-running scheme with Raoul, whose full identity and whereabouts have never been learned.

Sawyer read portions of a transcript showing that Ray entered the guilty plea without giving any testimony on King's assassination. The only exception was that Ray said in the Memphis courtroom that he disagreed with statements that King's assassination was not a conspiracy.

Asked if he had any other statement to make, Ray told the court at the time that he did not agree with theories expressed by then-Atty. Gen. Ramsey Clark and the late FBI Director J. Edgar Hoover.

"I mean on the conspiracy thing."

Judge Battle responded at the time that he was concerned whether Ray's guilty plea was made without coercion and whether he was in fact guilty.

The committee adjourned after hearing the testimony until November.

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